

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

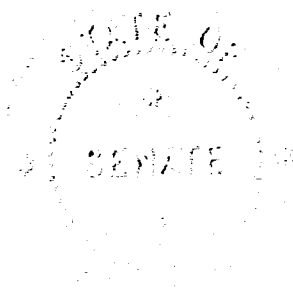
CHAPTER 155

HOUSE BILL 2368

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance of
7 the schools, not inconsistent with law or rules prescribed by the state board
8 of education.

9 2. Maintain the schools established by it for the attendance of each
10 pupil for a period of not less than one hundred seventy-five school days or
11 two hundred school days, as applicable, or its equivalent as approved by the
12 superintendent of public instruction for a school district operating on a
13 year-round operation basis, to offer an educational program on the basis of a
14 four day school week or to offer an alternative kindergarten program on the
15 basis of a three day school week, in each school year, and if the funds of
16 the district are sufficient, for a longer period, and as far as practicable
17 with equal rights and privileges.

18 3. Exclude from schools all books, publications, papers or audiovisual
19 materials of a sectarian, partisan or denominational character.

20 4. Manage and control the school property within its district.

21 5. Acquire school furniture, apparatus, equipment, library books and
22 supplies for the use of the schools.

23 6. Prescribe the curricula and criteria for the promotion and
24 graduation of pupils as provided in sections 15-701 and 15-701.01.

25 7. Furnish, repair and insure, at full insurable value, the school
26 property of the district.

27 8. Construct school buildings on approval by a vote of the district
28 electors.

29 9. Make in the name of the district conveyances of property belonging
30 to the district and sold by the board.

31 10. Purchase school sites when authorized by a vote of the district at
32 an election conducted as nearly as practicable in the same manner as the
33 election provided in section 15-481 and held on a date prescribed in section
34 15-491, subsection E, but such authorization shall not necessarily specify
35 the site to be purchased and such authorization shall not be necessary to
36 exchange unimproved property as provided in section 15-342, paragraph 23.

37 11. Construct, improve and furnish buildings used for school purposes
38 when such buildings or premises are leased from the national park service.

39 12. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on approval
41 by a vote of the district electors.

42 13. Hold pupils to strict account for disorderly conduct on school
43 property.

44 14. Discipline students for disorderly conduct on the way to and from
45 school.

1 15. Except as provided in section 15-1224, deposit all monies received
2 by the district as gifts, grants and devises with the county treasurer who
3 shall credit the deposits as designated in the uniform system of financial
4 records. If not inconsistent with the terms of the gifts, grants and devises
5 given, any balance remaining after expenditures for the intended purpose of
6 the monies have been made shall be used for reduction of school district
7 taxes for the budget year, except that in the case of accommodation schools
8 the county treasurer shall carry the balance forward for use by the county
9 school superintendent for accommodation schools for the budget year.

10 16. Provide that, if a parent or legal guardian chooses not to accept a
11 decision of the teacher as provided in section 15-521, paragraph 3, the
12 parent or legal guardian may request in writing that the governing board
13 review the teacher's decision. Nothing in this paragraph shall be construed
14 to release school districts from any liability relating to a child's
15 promotion or retention.

16 17. Provide for adequate supervision over pupils in instructional and
17 noninstructional activities by certificated or noncertificated personnel.

18 18. Use school monies received from the state and county school
19 apportionment exclusively for payment of salaries of teachers and other
20 employees and contingent expenses of the district.

21 19. Make an annual report to the county school superintendent on or
22 before October 1 each year in the manner and form and on the blanks
23 prescribed by the superintendent of public instruction or county school
24 superintendent. The board shall also make reports directly to the county
25 school superintendent or the superintendent of public instruction whenever
26 required.

27 20. Deposit all monies received by school districts other than student
28 activities monies or monies from auxiliary operations as provided in sections
29 15-1125 and 15-1126 with the county treasurer to the credit of the school
30 district except as provided in paragraph 21 of this subsection and sections
31 15-1223 and 15-1224, and the board shall expend the monies as provided by law
32 for other school funds.

33 21. Establish a bank account in which the board may during a month
34 deposit miscellaneous monies received directly by the district. The board
35 shall remit monies deposited in the bank account at least monthly to the
36 county treasurer for deposit as provided in paragraph 20 of this subsection
37 and in accordance with the uniform system of financial records.

38 22. Employ an attorney admitted to practice in this state whose
39 principal practice is in the area of commercial real estate, or a real estate
40 broker who is licensed by this state and who is employed by a reputable
41 commercial real estate company, to negotiate a lease of five or more years
42 for the school district if the governing board decides to enter into a lease
43 of five or more years as lessor of school buildings or grounds as provided in
44 section 15-342, paragraph 7 or 10. Any lease of five or more years
45 negotiated pursuant to this paragraph shall provide that the lessee is

1 responsible for payment of property taxes pursuant to the requirements of
2 section 42-11104.

3 23. Prescribe and enforce policies and procedures for disciplinary
4 action against a teacher who engages in conduct which is a violation of the
5 policies of the governing board but which is not cause for dismissal of the
6 teacher or for revocation of the certificate of the teacher. Disciplinary
7 action may include suspension without pay for a period of time not to exceed
8 ten school days. Disciplinary action shall not include suspension with pay
9 or suspension without pay for a period of time longer than ten school days.
10 The procedures shall include notice, hearing and appeal provisions for
11 violations which are cause for disciplinary action. The governing board may
12 designate a person or persons to act on behalf of the board on these matters.

13 24. Prescribe and enforce policies and procedures for disciplinary
14 action against an administrator who engages in conduct which is a violation
15 of the policies of the governing board regarding duties of administrators but
16 which is not cause for dismissal of the administrator or for revocation of
17 the certificate of the administrator. Disciplinary action may include
18 suspension without pay for a period of time not to exceed ten school days.
19 Disciplinary action shall not include suspension with pay or suspension
20 without pay for a period of time longer than ten school days. The procedures
21 shall include notice, hearing and appeal provisions for violations which are
22 cause for disciplinary action. The governing board may designate a person or
23 persons to act on behalf of the board on these matters. For violations which
24 are cause for dismissal, the provisions of notice, hearing and appeal in
25 chapter 5, article 3 of this title shall apply. The filing of a timely
26 request for a hearing suspends the imposition of a suspension without pay or
27 a dismissal pending completion of the hearing.

28 25. Notwithstanding section 13-3108, prescribe and enforce policies and
29 procedures that prohibit a person from carrying or possessing a weapon on
30 school grounds unless the person is a peace officer or has obtained specific
31 authorization from the school administrator.

32 26. Prescribe and enforce policies and procedures relating to the
33 health and safety of all pupils participating in district sponsored practice
34 sessions, games or other interscholastic athletic activities, including the
35 provision of water. ~~A school district and its employees are immune from~~
36 ~~civil liability for the consequences of the good faith adoption and~~
37 ~~implementation of policies and procedures pursuant to this paragraph.~~

38 27. Prescribe and enforce policies and procedures regarding the smoking
39 of tobacco within school buildings. The policies and procedures shall be
40 adopted in consultation with school district personnel and members of the
41 community and shall state whether smoking is prohibited in school buildings.
42 If smoking in school buildings is not prohibited, the policies and procedures
43 shall clearly state the conditions and circumstances under which smoking is
44 permitted, those areas in a school building which may be designated as

1 smoking areas and those areas in a school building which may not be
2 designated as smoking areas.

3 28. Establish an assessment, data gathering and reporting system as
4 prescribed in chapter 7, article 3 of this title.

5 29. Provide special education programs and related services pursuant to
6 section 15-764, subsection A to all children with disabilities as defined in
7 section 15-761.

8 30. Administer competency tests prescribed by the state board of
9 education for the graduation of pupils from high school.

10 31. Secure insurance coverage for all construction projects for
11 purposes of general liability, property damage and workers' compensation and
12 secure performance and payment bonds for all construction projects.

13 32. Keep on file the resumes of all current and former employees who
14 provide instruction to pupils at a school. Resumes shall include an
15 individual's educational and teaching background and experience in a
16 particular academic content subject area. A school district shall inform
17 parents and guardians of the availability of the resume information and shall
18 make the resume information available for inspection on request of parents
19 and guardians of pupils enrolled at a school. Nothing in this paragraph
20 shall be construed to require any school to release personally identifiable
21 information in relation to any teacher or employee including the teacher's or
22 employee's address, salary, social security number or telephone number.

23 33. Report to local law enforcement agencies any suspected crime
24 against a person or property that is a serious offense as defined in section
25 13-604 or that involves a deadly weapon or dangerous instrument or serious
26 physical injury and any conduct that poses a threat of death or serious
27 physical injury to employees, students or anyone on the property of the
28 school. ~~A school district and its employees are immune from liability for~~
29 ~~any good faith actions taken in furtherance of this paragraph.~~ This
30 paragraph does not limit or preclude the reporting by a school district or an
31 employee of a school district of suspected crimes other than those required
32 to be reported by this paragraph. For the purposes of this paragraph,
33 "dangerous instrument", "deadly weapon" and "serious physical injury" have
34 the same meaning prescribed in section 13-105.

35 34. In conjunction with local law enforcement agencies and local
36 medical facilities, develop an emergency response plan for each school in the
37 school district in accordance with minimum standards developed jointly by the
38 department of education and the division of emergency management within the
39 department of emergency and military affairs.

40 35. Annually assign at least one school district employee to
41 participate in a multihazard crisis training program developed or selected by
42 the governing board.

43 36. Provide written notice to the parents or guardians of all students
44 affected in the school district at least thirty days prior to a public
45 meeting to discuss closing a school within the school district. The notice

1 shall include the reasons for the proposed closure and the time and place of
2 the meeting. The governing board shall fix a time for a public meeting on
3 the proposed closure no less than thirty days before voting in a public
4 meeting to close the school. The school district governing board shall give
5 notice of the time and place of the meeting. At the time and place
6 designated in the notice, the school district governing board shall hear
7 reasons for or against closing the school. The school district governing
8 board is exempt from the provisions of this paragraph if it is determined by
9 the governing board that the school shall be closed because it poses a danger
10 to the health or safety of the pupils or employees of the school.

11 37. Incorporate instruction on Native American history into appropriate
12 existing curricula.

13 38. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES TO PROHIBIT PUPILS
14 FROM HARASSING, INTIMIDATING AND BULLYING OTHER PUPILS ON SCHOOL GROUNDS, ON
15 SCHOOL PROPERTY, ON SCHOOL BUSES, AT SCHOOL BUS STOPS AND AT SCHOOL SPONSORED
16 EVENTS AND ACTIVITIES THAT INCLUDE THE FOLLOWING COMPONENTS:

17 (a) A PROCEDURE FOR PUPILS TO CONFIDENTIALLY REPORT TO SCHOOL
18 OFFICIALS INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

19 (b) A PROCEDURE FOR PARENTS AND GUARDIANS OF PUPILS TO SUBMIT WRITTEN
20 REPORTS TO SCHOOL OFFICIALS OF SUSPECTED INCIDENTS OF HARASSMENT,
21 INTIMIDATION OR BULLYING.

22 (c) A REQUIREMENT THAT SCHOOL DISTRICT EMPLOYEES REPORT SUSPECTED
23 INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE APPROPRIATE SCHOOL
24 OFFICIAL.

25 (d) A FORMAL PROCESS FOR THE DOCUMENTATION OF REPORTED INCIDENTS OF
26 HARASSMENT, INTIMIDATION OR BULLYING, EXCEPT THAT NO DOCUMENTATION SHALL BE
27 MAINTAINED UNLESS THE HARASSMENT, INTIMIDATION OR BULLYING HAS BEEN PROVEN.

28 (e) A FORMAL PROCESS FOR THE INVESTIGATION BY THE APPROPRIATE SCHOOL
29 OFFICIALS OF SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

30 (f) DISCIPLINARY PROCEDURES FOR PUPILS WHO HAVE ADMITTED OR BEEN FOUND
31 TO HAVE COMMITTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

32 (g) A PROCEDURE THAT SETS FORTH CONSEQUENCES FOR SUBMITTING FALSE
33 REPORTS OF INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

34 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
35 section, the county school superintendent may construct, improve and furnish
36 school buildings or purchase or sell school sites in the conduct of an
37 accommodation school.

38 C. If any school district acquires real or personal property, whether
39 by purchase, exchange, condemnation, gift or otherwise, the governing board
40 shall pay to the county treasurer any taxes on the property that were unpaid
41 as of the date of acquisition, including penalties and interest. The lien
42 for unpaid delinquent taxes, penalties and interest on property acquired by a
43 school district:

44 1. Is not abated, extinguished, discharged or merged in the title to
45 the property.

1 2. Is enforceable in the same manner as other delinquent tax liens.

2 D. The governing board may not locate a school on property that is
3 less than one-fourth mile from agricultural land regulated pursuant to
4 section 3-365, except that the owner of the agricultural land may agree to
5 comply with the buffer zone requirements of section 3-365. If the owner
6 agrees in writing to comply with the buffer zone requirements and records the
7 agreement in the office of the county recorder as a restrictive covenant
8 running with the title to the land, the school district may locate a school
9 within the affected buffer zone. The agreement may include any stipulations
10 regarding the school, including conditions for future expansion of the school
11 and changes in the operational status of the school that will result in a
12 breach of the agreement.

13 E. A school ~~district's~~ DISTRICT, ITS governing board members ~~and~~, its
14 school council members AND ITS EMPLOYEES are immune from civil liability for
15 the consequences of adoption and implementation of policies and procedures
16 pursuant to subsection A of this section and section 15-342. This waiver
17 does not apply if the school ~~district's~~ DISTRICT, ITS governing board members
18 ~~or~~, its school council members OR ITS EMPLOYEES are guilty of gross
19 negligence or intentional misconduct.

20 F. A governing board may delegate in writing to a superintendent,
21 principal or head teacher the authority to prescribe procedures that are
22 consistent with the governing board's policies.

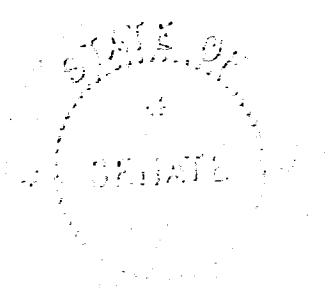
23 G. Notwithstanding any other provision of this title, a school
24 district governing board shall not take any action that would result in an
25 immediate reduction or a reduction within three years of pupil square footage
26 that would cause the school district to fall below the minimum adequate gross
27 square footage requirements prescribed in section 15-2011, subsection C,
28 unless the governing board notifies the school facilities board established
29 by section 15-2001 of the proposed action and receives written approval from
30 the school facilities board to take the action. A reduction includes an
31 increase in administrative space that results in a reduction of pupil square
32 footage or sale of school sites or buildings, or both. A reduction includes
33 a reconfiguration of grades that results in a reduction of pupil square
34 footage of any grade level. This subsection does not apply to temporary
35 reconfiguration of grades to accommodate new school construction if the
36 temporary reconfiguration does not exceed one year. The sale of equipment
37 that results in an immediate reduction or a reduction within three years that
38 falls below the equipment requirements prescribed in section 15-2011,
39 subsection B is subject to commensurate withholding of school district
40 capital outlay revenue limit monies pursuant to the direction of the school
41 facilities board. Except as provided in section 15-342, paragraph 10,
42 proceeds from the sale of school sites, buildings or other equipment shall be
43 deposited in the school plant fund as provided in section 15-1102.

1 H. Subsections C through G of this section apply to a county board of
2 supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 I. Until the state board of education and the auditor general adopt
5 rules pursuant to section 15-213, subsection J, a school district may procure
6 construction services, including services for new school construction
7 pursuant to section 15-2041, by the construction-manager-at-risk,
8 design-build and job-order-contracting methods of project delivery as
9 provided in title 41, chapter 23, except that the rules adopted by the
10 director of the department of administration do not apply to procurements
11 pursuant to this subsection. Any procurement commenced pursuant to this
12 subsection may be completed pursuant to this subsection.

APPROVED BY THE GOVERNOR APRIL 20, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2005.



Passed the House February 21, 2005,

by the following vote: 56 Ayes,

3 Nays, 1 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 11, 2005

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting

President of the Senate

Chauncey B. Livingston
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____

_____ , 20____ ,

at / o'clock M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at ~~5~~ clock M.

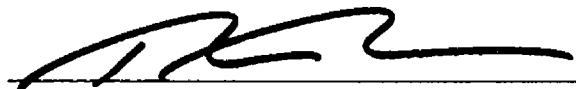
Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 14, 2005,

by the following vote: 43 Ayes,

12 Nays, 5 Not Voting



Speaker of the House
Pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15th day of April, 2005

at 9:00 o'clock a. M.

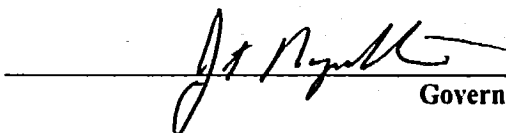


Secretary to the Governor

Approved this 20 day of

April, 2005,

at 2:15 o'clock P. M.



Governor of Arizona

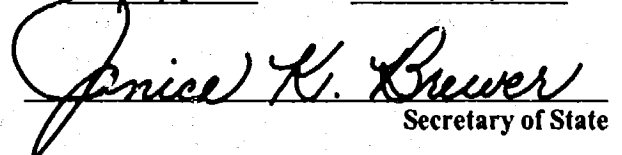
H.B. 2368

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of April, 2005,

at 4:10 o'clock P. M.



Secretary of State